

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001
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03 MD 1570 (RCC)

THOMAS E. BURNETT, SR., et al.,

Plaintiffs,

v.

AL BARAKA INVESTMENT AND
DEVELOPMENT CORP., et al.,

Defendants.
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02 CV 6977 (RCC)

**DECLARATION OF GRAHAM WALKER IN SUPPORT OF MOTION OF DMI
ADMINISTRATIVE SERVICES S.A. TO DISMISS**

I, GRAHAM WALKER, declare as follows:

1. I am employed in Geneva, Switzerland as Head of Finance and Risk Management by DMI Administrative Services S.A. ("DMI S.A."). I have been employed by DMI S.A. since April 4, 2000. I am a citizen of the United Kingdom and a chartered accountant. I have worked in the financial industry for 30 years, at institutions including HSBC, Standard Chartered Bank, Thompson McKinnon, Inc., and Foreign and Colonial Management.

2. I make this Affidavit upon personal knowledge, information and belief, and my review of and work with the records of DMI S.A. I respectfully submit this Affidavit in support of the motion of DMI S.A. to dismiss the Third Amended Complaint pursuant to Fed. R. Civ. P. 12.

3. DMI S.A. is a *societe anonyme*, organized under the laws of Switzerland and registered in the canton of Geneva. DMI S.A. was established in 1981 and has been in existence and

in good standing since that time. DMI S.A. is an administrative services company providing management and administrative services to related financial institutions.

4. DMI S.A. has never done business, maintained a place of business, or been licensed to do business in the United States.

5. DMI S.A. has never entered into any contracts with any persons or entities in the United States or any contracts to be performed in whole or in part in the United States, other than contracts for direct-feed financial information services such as Bloomberg and for office computer hardware and software.

6. DMI S.A. has never held equity investments in any U.S. corporation or entity or had any U.S. national investors or clients. DMI S.A. has never entered into any partnership, joint venture, or other such relationship with any U.S. person or entity. DMI S.A. has never lent money to or acted as a surety or guarantor for any U.S.-resident person or entity.

7. DMI S.A. has never maintained an agent for service of process in the U.S. nor been a plaintiff or defendant in any action brought in a U.S. federal or state Court, with the exceptions of the present action and those with which the present action have been consolidated before this Court.

8. DMI S.A. has never maintained a bank account or other financial account in the United States.

9. Neither the United States nor any State or municipality within the United States has ever levied taxes of any kind upon DMI S.A., nor has DMI S.A. ever paid any taxes allegedly or actually due from it to the United States or to any State or municipality within the United States.

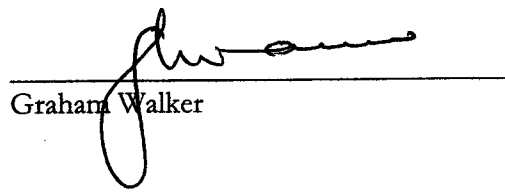
10. His Royal Highness Prince Mohamed al Faisal al Saud is not and has never been Chief Executive Officer or "CEO" of DMI S.A.

11. Faisal Islamic Bank (Sudan) ("FIB Sudan") is not and never has been a subsidiary of DMI S.A. DMI S.A. has never held any equity shares of FIB Sudan and has never controlled FIB Sudan.

12. DMI S.A. has never held any equity shares of either Al Shamal Islamic Bank or Tadamon Islamic Bank and has never controlled either entity.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Geneva, Switzerland
April 7, 2004



Graham Walker